IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4798 OF 2004

Smt. Ujwala Nivrutti Chavan ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..
Respondents.

....

Mr. A.M. Joshi for the petitioner.
Mr. A.P. Vanarase, AGP for respondent Nos.1 to 3.

....

CORAM : S. RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.

23rd November, 2004.

P.C. :

1. Rule, made returnable forthwith. Learned AGP waives service for respondent Nos.1 to 3. Heard learned counsel for the petitioner and learned AGP for respondent Nos.1 to 3. By consent, taken up hearing and final disposal. The presence of respondent No.4 is not necessary in view of the order which we propose to pass in the above matter.

2. It appears that the petitioner's husband was in the employment of respondent No. 4 in the New High School as a peon. Respondent Nos.4 and 5 have categorically stated in the

affidavit in reply filed before the School Tribunal at Kolhapur that the petitioner's husband's services were never terminated and he was in service.

3. It appears that the petitioner after the death of her husband had made an application on 31st January, 2000 to the Education Officer (Secondary), Zilla Parishad, Sangli seeking compassionate appointment due to sudden death of her husband. Having regard to the facts and circumstances of the case and in the larger interest, we direct the Education Officer (Secondary), Zilla Parishad, Sangli to decide the said application dated 31st January, 2000 filed by the petitioner as expeditiously as possible, preferably within 12 weeks and in the event the petitioner is found eligible for appointment on compassionate ground, orders may also be issued in that behalf.

Rule is made absolute in the aforesaid terms.

S.RADHAKRISHNAN, J.

DR.D.Y.CHANDRACHUD, J.